REMARKS

This Application has been carefully reviewed in light of the Office Action electronically mailed August 22, 2008. Claims 1-5, 7-10, 12-21, 23-26, 28-37, 39-42, and 44-60 are currently pending. Applicant respectfully requests reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 103

The Office Action rejects Claims 1-5, 12-21, 28-37, and 44-48 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of U.S. Patent No. 5,440,723 issued to Arnold et al. ("*Arnold*"). Applicant respectfully traverses these rejections.

Claim 1 is directed to a method for maintaining computer security. The method includes providing a database of known good software and a database of unfamiliar software. The method further includes, for the identified file, determining whether an entry exists in the database of known good software and determining whether an entry exists in the database of unfamiliar software. The method further includes moving the entry from the database of unfamiliar software to the database of known good software if it is determined that the entry has been in the database of unfamiliar software for a sufficient period of time. Applicant respectfully contends that the proposed *McGee-Arnold* combination fails to disclose, teach, or suggest each and every one of these limitations.

The Office Action relies on *Arnold* for disclosing the limitations "providing a database of unfamiliar software" and "moving the entry from the database of unfamiliar software to the database of known good software if it is determined that the entry has been in the database of known good software for a sufficient period of time." *Office Action*, pg. 5. Applicant respectfully contends that this reliance is misplaced.

For instance, the Office Action relies on column 29, lines 18-25 of *Arnold* as disclosing a database of unfamiliar software. *Office Action*, pg. 5. However, the cited portion clearly states that "a valid signature of the <u>previously unknown</u> type of undesirable software entity is stored within the [signature database] SDB 74a for subsequent use by the scanner 74." *Arnold*, col. 29, lines 19-22. Therefore, the signature database disclosed by *Arnold* contains valid signatures of <u>known</u> undesirable software. Thus, Applicant respectfully contends that this database fails to disclose "a database of <u>unfamiliar</u> software."

The Office Action additionally relies on Figure 2, elements B and C of *Arnold* as disclosing this limitation. *Office Action*, pg. 2. This reliance is also misplaced. The mere presence of an unknown virus does not disclose, teach, or suggest providing a database of unfamiliar software. In fact, the only database disclosed in *Arnold* is signature database SDB 74a, which stores the signatures of <u>known</u> viruses. *Arnold*, col. 28, lines 55-60.

Furthermore, the Office Action relies on Figure 2, step E and Figure 3, step O of *Arnold* for disclosing the limitation "moving the entry from the database of unfamiliar software to the database of known good software if it is determined that the entry has been in the database of unfamiliar software for a sufficient period of time." *Office Action*, pg. 5. Applicant respectfully contends that this reliance is also misplaced.

For instance, these steps both disclose extracting an identifying signature from a suspected virus and adding the signature to signature database SDB. *See Arnold*, col. 2, lines 63-65. As shown above, this signature database stores the signatures of <u>known viruses</u>. This clearly fails to disclose, teach or suggest moving an entry to a database of <u>known good software</u>.

The Office Action additionally relies on column 6, lines 24-36 of *Arnold* as disclosing the limitation "for a sufficient period of time." *Office Action*, pg. 2. Applicant respectfully contends that this reliance is also misplaced. The cited portion discloses that "[a]fter a specified time interval . . . checksums of some or all of the decoy programs are taken and compared directly to their originals" to determine if a virus has been detected. *Arnold*, col. 6, lines 24-28. However, "[i]f none of the decoys are found to have changed, the user is alerted to the fact that an anomaly of some sort was detected, but that the system was unable to find conclusive evidence of a virus. In this case it is desirable to maintain the system in a moderate state of alert for some time period, exercising the decoy programs at a reduced priority or less frequent intervals." *Arnold*, col. 6, lines 29-36. Therefore, *Arnold* discloses exercising decoy programs at "specified time intervals" to detect viruses. This fails to disclose, teach, or suggest "<u>moving</u> the entry from the database of <u>unfamiliar software</u> to the database of <u>known good software</u> if it is determined that the entry has been in the database of unfamiliar software for a <u>sufficient period of time</u>." For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 1.

Claims 2-5 and 12-16 depend, either directly or indirectly, from Claim 1 and incorporate all the limitations thereof. Therefore, for at least the reasons discussed above

with regard to Claim 1, Applicant respectfully requests reconsideration and allowance of Claims 2-5 and 12-16.

Similar to Claim 1, Claims 17 and 33 include limitations related to providing a database of unfamiliar software and moving the entry from the database of unfamiliar software to the database of known good software if it is determined that the entry has been in the database of unfamiliar software for a sufficient period of time. For at least those reasons discussed above with regard to Claim 1, Applicant respectfully requests reconsideration and allowance of Claims 17 and 33.

Claims 18-21 and 28-32 depend, either directly or indirectly, from Claim 17 and incorporate all the limitations thereof. Claims 34-37 and 44-48 depend, either directly or indirectly from Claim 33 and incorporate all the limitations thereof. Therefore, for at least the reasons discussed above, Applicant respectfully requests reconsideration and allowance of Claims 18-21, 28-32, 34-37, and 44-48.

The Office Action rejects Claims 7, 23, and 39 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of *Arnold* and further in view of *Liu*. The Office Action rejects Claims 10, 26, and 42 under 35 U.S.C. §103(a) as being unpatentable over *McGee* and of *Arnold* in view of *Liu* and further in view of *Verma*. The Office Action rejects Claims 8-9, 24-25, 40-41, 49, 51, and 54 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of *Arnold* in further view of *Verma*. The Office Action rejects Claims 50, 52 and 55 under 35 U.S.C. 103(a) as being unpatentable over *McGee* in view of *Arnold* and *Verma* in further view of *Christenson*. Applicant respectfully traverses these rejections.

Claims 7-10 and 49-50 each depend, either directly or indirectly, from Claim 1 and incorporate all the limitations thereof. Claims 23-26, 29, and 51-52 each depend, either directly or indirectly, from Claim 17 and incorporate all the limitations thereof. Claims 39-42 and 54-55 each depend, either directly or indirectly, from Claim 33 and incorporate all the limitations thereof. As shown above, the proposed *McGee-Arnold* combination fails to disclose, teach, or suggest each and every limitation of Claims 1, 17, and 33. Neither *Liu*, *Verma*, nor *Christenson* cure these deficiencies. Therefore, Applicant respectfully requests reconsideration and allowance of Claims 7-10, 23-26, 29, 39-42, 49-52, and 54-55 for at least the same reasons as their respective base claims.

The Office Action rejects Claims 56-60 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of *Verma* and further in view of *Arnold*. Applicant respectfully traverses these rejections.

Claim 56 is directed to a method for computer security. The method includes identifying a file. The method also includes determining quantitative information regarding the file, the quantitative information selected from the group consisting of a length of time the entry has been in the database of unfamiliar software, a number of times the file has been opened, and a number of times an executable in the file has been executed. The method further includes adding an entry for the file to a database of known good software if the quantitative information exceeds a predetermined value. Applicant respectfully contends that the proposed *McGee-Verma-Arnold* combination fails to disclose, teach, or suggest each and every one of these limitations.

As shown above, *Arnold* discloses "a valid signature of the <u>previously unknown</u> type of undesirable software entity is stored within the [signature database] SDB 74a for subsequent use by the scanner 74." *Arnold*, col. 29, lines 19-22. Therefore, the signature database disclosed by *Arnold* contains valid signatures of <u>known</u> undesirable software. Thus, Applicant respectfully contends that this database fails to disclose a "database of <u>unfamiliar</u> software."

McGee discloses a "generated hash value with the <u>stored</u> hash values on the <u>approved</u> <u>hash list</u>." *McGee*, col. 11, lines 40-46 (emphasis added). Applicant respectfully contends that this "approved hash list" is not a database of <u>unfamiliar</u> software. In fact, the Office Action even admits that *McGee* fails to disclose "providing a database of unfamiliar software." *Office Action*, pg. 5. Therefore, Applicant respectfully contends that *McGee* also fails to disclose, teach, or suggest determining whether an entry for a file exists <u>in a database</u> <u>of unfamiliar software</u>. *Verma* fails to cure these deficiencies of *Arnold* and *McGee*.

Furthermore, Applicant respectfully contends that *McGee* fails to disclose, teach, or suggest "adding an entry for the file to a database of known good software if the quantitative information exceeds a predetermined value." As described above, *McGee* discloses comparing a hash value generated for a program with a list of stored hash values on an approved list. If a match is found, the program is allowed to execute. *McGee*, col. 11, lines 46-49. However, if there is no match, the system prevents the executable file data from executing. *McGee*, col. 11, lines 54-57. This does not disclose, teach, or suggest quantitative

information or a predetermined value. Furthermore, it fails to disclose, teach, or suggest adding an entry to a database of known good software if the quantitative information exceeds a predetermined value. *Verma* and *Arnold* fail to cure these deficiencies. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 56.

Claims 57-60 depend, either directly or indirectly from Claim 56 and incorporate all the limitations thereof. As shown above, the proposed *McGee-Verma-Arnold* combination fails to disclose, teach, or suggest each and every element of Claim 56. Therefore, for at least the reasons discussed above, Applicant respectfully requests reconsideration and allowance of Claims 57-60.
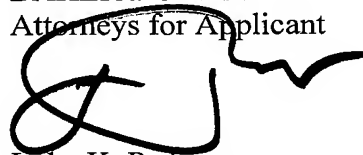
Conclusion

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Although Applicant believes no fee is due, the Commissioner is hereby authorized to charge any required fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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